

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,

No. C 03-5085 WWS (MEJ)

Plaintiffs,

**ORDER DENYING REAL'S MOTION TO
STRIKE PLAINTIFF'S INFRINGEMENT
CONTENTIONS WITHOUT PREJUDICE**

v.

REALNETWORKS, INC., and LISTEN.COM,

Defendants,

Before the Court is the parties' joint letter brief, filed February 10, 2006, regarding Real's request for the Court to strike Friskit's infringement contentions. Doc #361. It is the Court's understanding that, with the assistance of the court-appointed independent expert, the parties have come to an agreement regarding a process for production of Real's source code. In light of this development, Real's motion is DENIED without prejudice. The Court hereby ORDERS the parties to meet and confer after the source code production is resolved. If there is still a dispute as to the sufficiency of the infringement contentions, the parties shall again meet and confer and thereafter file a joint letter brief if unable to resolve the dispute at that time.

IT IS SO ORDERED.

Dated: February 21, 2006



MARIA ELENA JAMES
United States Magistrate Judge